

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T04-0002

STIPULATED AGREEMENT NO. 1038

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), the De Soto Township ("TOWNSHIP"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Jones Road/TR145 highway-rail grade crossing of the Company's track located near De Soto, Jackson County, Illinois, designated as crossing AAR/DOT 295 081S, milepost 300.73-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team including a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

**DOCKETED**

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry.

Section 3 The Company has prepared preliminary plans and a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost to complete the work outlined in Section 2(a) is estimated to be \$124,950. The Grade Crossing Protection Fund should pay 30% of the actual installation cost, not to exceed \$37,485. The Department, utilizing Federal Funds, should pay 70% of the actual cost, not to exceed \$87,465. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B)

Section 6 Special Provisions:

Since federal funding is being utilized for the warning device improvements at the subject crossing, appropriate provisions of Title 23, Chapter I, Subchapter G, shall cover all such work, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since railroad crews will install the new automatic warning devices at the subject crossing, no flagging, or contractor liability insurance will be required for said work.

In accordance with 92 Illinois Administrative Code, Part 1535.310, and the Manual on Uniform Traffic Control Devices, the Township should install and maintain advance warning signs along both highway approaches to the Jones Road crossing.

The Commission should grant a variance from the grade requirements of 92 Illinois Administrative Code (92IAC) Part 1535.204 to the Township, and the Township should be allowed to maintain the east highway approach of Jones Road to the existing grade (See Exhibit A, page 2). Currently the grade for the east highway approach does not meet the requirements of 92IAC, Part 1535.204.

The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Federal Safety Program and the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 10th day of November 2003.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1038 concerning improvements at the Jones Road/TR145 grade crossing of the Illinois Central Railroad Company tracks near De Soto, Jackson County, Illinois, designated as crossing AAR/DOT 295 081S, milepost 300.73-M.

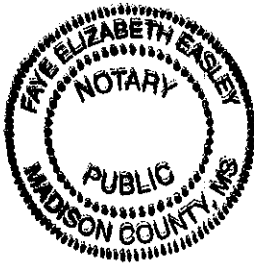
Executed by the Department this 1st day of December 2003.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Madson  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1038 concerning improvements at the Jones Road/TR145 grade crossing of the Illinois Central Railroad Company tracks near De Soto, Jackson County, Illinois, designated as crossing AAR/DOT 295 081S, milepost 300.73-M.

Executed by the Company this 16th day of December ~~2001~~  
2003



Notary Public State of Mississippi  
At Large  
My Commission Expires  
August 18, 2006  
BONDED THRU  
HEIDEN, BROOKS & GARLAND, INC.

ILLINOIS CENTRAL RAILROAD  
COMPANY

By: Paul E. Law  
Region Manager Contracts & Administration

Attest:

Faye E. Easley

APPROVE AS TO FORM:

~~REAL ESTATE~~

ENGINEERING

ACCOUNTING [Signature]

~~LAW~~

EXECUTION

~~LAW~~

Illinois Commerce Commission Stipulated Agreement No. 1038 concerning improvements at the Jones Road/TR145 grade crossing of the Illinois Central Railroad Company tracks near De Soto, Jackson County, Illinois, designated as crossing AAR/DOT 295 081S, milepost 300.73-M.

Executed by the De Soto Township this 17<sup>th</sup> day of January 2004

DE SOTO TOWNSHIP

By: Fred R. Altob

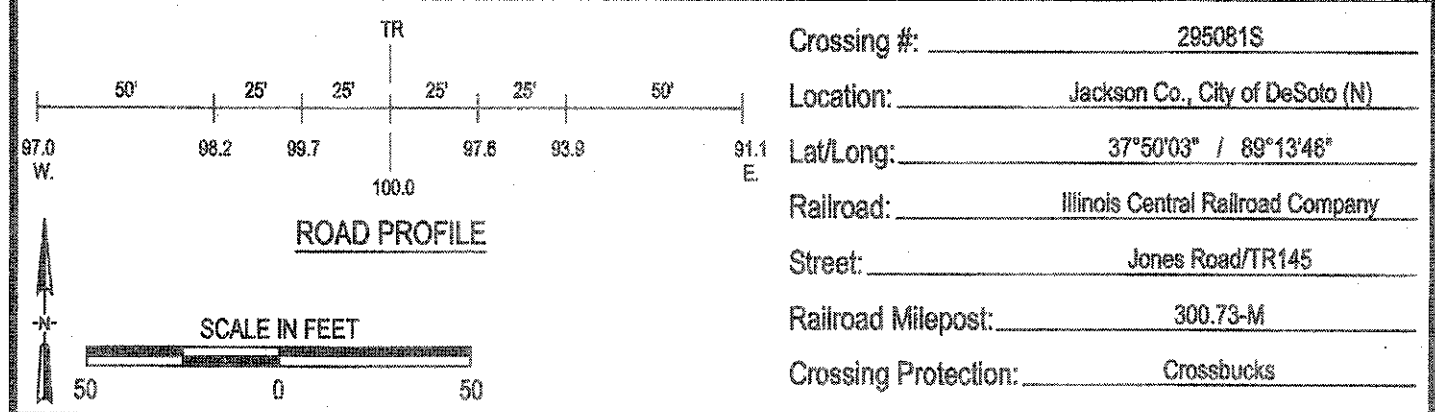
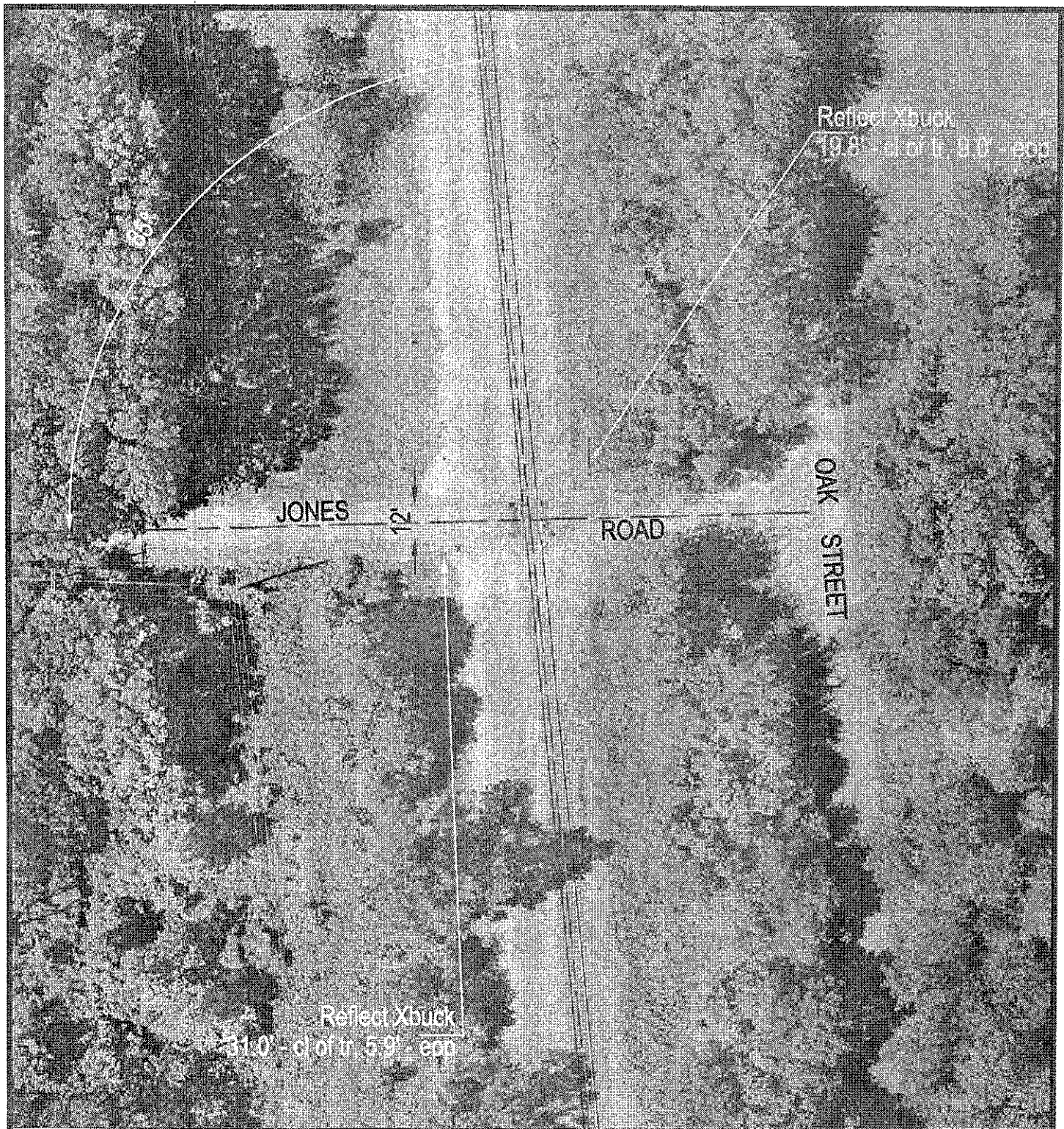


Attest:

Christina Melha

RECEIVED  
JAN 20 2004

Illinois Commerce Commission  
RAIL SAFETY DIVISION



**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Illinois Central Railroad Company
<b>USDOT#, MILEPOST</b>	295 081S, 300.73-M
<b>STREET, CITY, COUNTY</b>	Jones Road/Township Road 145, near De Soto, Jackson County
<b>JURISDICTION (RDWY)</b>	De Soto Township
<b>LOCATION</b>	Rural, agricultural
<b>STREET SURFACE</b>	One-lane, two way, 12 foot, oil and chip

**CROSSING DATA:** Also see Location Sketch for roadway profile and track centers

<b>TRACK</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	Timber	16 feet	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Oak Street – 95 feet east
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	(Estimated) 50 Vehicles Per Day @ 30 MPH (not posted)
<b>TRAFFIC TYPE</b>	Passenger, possible School Busses, possible Hazardous Materials
<b>ADVANCE WARNING</b>	None
<b>PAVEMENT MARKING</b>	None

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	23 Per day @ 50-60 MPH, 4 of Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	4 Per day @ 79 MPH
<b>WARNING DEVICES</b>	Reflective crossbucks in NE and SW quadrants

**NOTES:**

Township must install advance-warning signs.

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<b>MPH</b>
<b>Roadway Speed</b>	30	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	209	<b>FEET</b>
<b>Along Tracks</b>	760	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1901	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*	These could be labeled on the Location Sketch.	*	
<b>NW</b>	*		*	
<b>SE</b>	*		*	
<b>SW</b>	*		*	

\*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: WEST</b>			<b>DIRECTION: EAST</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0	---	0	100.0	---
25	99.7	1.2	25	97.6	9.6
50	98.2	2.0	50	93.9	14.8
100	97.0	2.4	100	91.1	5.6

\*Distance measured from outermost rail.

**COMMENTS:**

West approach does not meet the minimum requirements of 92 Illinois Administrative Code, Part 1535. 204, *Grade Line of Highway Approaches*. The proximity of Oak Street precluded the raising of the approach. A variance will have to be granted for the west approach as the proximity of Oak Street prohibits improvement of the approach grade.

**PROPOSED COST DIVISION:**

<b>FUNDED BY</b>	<b>GCPF</b>	<b>IDOT</b>	<b>ICRR</b>	<b>TOWNSHIP</b>
<b>WORK</b>	<b>(%)</b>	<b>(%)</b>	<b>(%)</b>	<b>(%)</b>
<b>SIGNALS</b>	30	70	0	0

ILLINOIS CENTRAL RAILROAD  
ENGINEERING DEPARTMENT  
SIGNALS AND COMMUNICATIONS

DeSoto, IL

Est 1012-201

Estimated cost of Signal work to install FLS &amp; Gates at Jones Road.

Gulf Division

Val Sec IL-1

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				
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LANDFILL	1.	L.S. @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
CROSSING MATERIAL PACKAGE				
GCP3000ND2,80160-111-IPI	1.	EACH @	17754.00	17754.00
DATA RECORDER INTERFACE,80255	1.	EACH @	128.00	128.00
SEA/R & ANALOG DISPLAY	1.	EACH @	2055.00	2055.00
NARROW BAND SHUNT,62775-1543	2.	EACH @	408.00	816.00
BATTERY CHOKE,7A360	1.	EACH @	248.00	248.00
XING CONTROLLER,91160	1.	EACH @	2296.00	2296.00
RECTIFIER,NRS18120,40A	1.	EACH @	665.00	665.00
RECTIFIER,NRS15110,20A	1.	EACH @	465.00	465.00
SURGE PROTECTION	1.	LOT @	1325.00	1325.00
EQUIPMENT RACK	1.	EACH @	258.00	258.00
SWING RACK	1.	EACH @	510.00	510.00
FLX-2000 & GATE ASSY,2-WAY	2.	EACH @	6950.00	13900.00
ARM,EZ GATE,16-24'	2.	EACH @	728.00	1456.00
GATEKEEPER	2.	EACH @	1986.00	3972.00
BELL,ELECTRONIC	1.	EACH @	236.00	236.00
BATTERY,GNB 265AH	13.	EACH @	186.00	2418.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	402.00	804.00
SHUNT ENCLOSURE,T13997	2.	EACH @	221.00	442.00
PRE-WIRED ALUM HOUSE,6x6'	1.	EACH @	13000.00	13000.00
WIRE,2c/6/T10456	300.	FEET @	0.41	123.00
CABLE,3c/6,T10458	100.	FEET @	1.94	194.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.79	837.00
5 MAN GANG	8.	DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1.	L.S. @	4400.00	4400.00
CONSTRUCTION ENGINEERING	1.	L.S. @	275.00	275.00

DeSoto, IL

Est 1012-201

## SUMMARY

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MATERIAL	65002.00 *
HANDLING 0.0610	3965.12
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	4675.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	4930.26
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	4000.00
CONTINGENCIES	11356.34
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TOTAL COST	124950.00